

#100040

FILED

APR 23 1998

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS (PHENTERMINE/
FENFLURAMINE/DEXFENFLURAMINE)
PRODUCTS LIABILITY LITIGATION

MDL DOCKET NO. 1203

PRETRIAL ORDER NO. 41

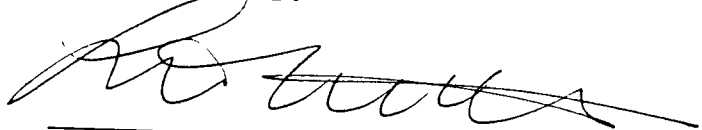
WHEREAS, Rule 26(c) of the Federal Rules of Civil Procedure provides for the issuance of protective orders limiting the disclosure of discovered information in appropriate circumstances.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The inadvertent production or disclosure of an attorney-client privileged or protected work product document shall not be deemed either a general waiver of privilege or work product protection by the producing party or a waiver of privilege or work product protection as to the document inadvertently produced or disclosed. In the event of inadvertent disclosure of an attorney-client privileged or protected work product document, promptly upon discovery of such inadvertent disclosure, the producing party may move the Court for a protective order with respect thereto. Upon finding that the document is privileged or otherwise protected and that its production was inadvertent, the Court may direct the return of the document and all copies thereof to the producing party, preclude the use of the document and any information contained therein for any purpose in this litigation, and order such other

relief as the Court deems necessary and appropriate. Before making application to the Court for such relief, the producing party shall confer with the PMC and with Lead Counsel for all defendants in an attempt consensually to resolve any dispute regarding the inadvertent production.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Louis C. Bechtle', written over a horizontal line.

Louis C. Bechtle
Chief Judge Emeritus

DATED: April 22, 1998